IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.168 OF 2006
IN
FIRST APPEAL (ST.)NO.25961 OF 2005

Jayant H. Desar @ Farswani. ..Applicant.

V/s.

Mr.Hiranand Raghuvanshi & Ors. ..Respondents.

Mr.S.K.Chaurasia for applicant.

Mr.K.K.Kurup for respondent No.1 and 2.

CORAM: A.M.KHANWILKAR,J

DATE : JANUARY 27, 2006.

P.C. :

1. Heard counsel for the parties.

2. Mr.Kurup waives notice for respondent Nos.1 and 2 only. Respondent No.3 according to the applicant has been served. She is daughter of the respondent Nos.1 and 2.

3. Counsel for the respondent Nos. 1 and 2 submits that the complete papers are not being furnished to the respondents. Presently I am only concerned with delay application. The delay is only of 8 days. In my view, as sufficient cause has been made out, application deserves to be allowed. Hence

this application is allowed in terms of prayer clause (a).

4. In case, there are any office objections in first appeal, the appellant shall remove the same within two weeks from today, failing which the appeal to stand dismissed for non-prosecution without further reference to the court.

5. If all office objections are removed in time, office to register the first appeal and place the same for admission as per its turn.

6. Ad-interim granted by this court to continue till three weeks.

7. Parties to exchange pleadings, if any, well in advance.